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BY HAND

The Honorable Meenakshi Srinivasan
Chair
NYC Board of Standards and Appeals
40 Rector Street - 9th Floor
New York, New York 10006

**Re: Congregation Shearith Israel ("CSI")
6-10 West 70th Street/99 Central Park West
74-07-BZ /CEQR No.: 07BSA071M**

Dear Madam Chair:

This letter is written in response to comments by the Board during the November 27, 2007 Board of Standards & Appeals (the "Board" or "BSA") hearing (the "First BSA Hearing") in connection with CSI's variance application (the "Application").

Monetization

Before turning to the Board's comment, I would like to address the occasionally inaccurate and misleading use of the term "monetization" by many of the public speakers at the previous hearing. Monetization is not synonymous with "profit." In fact, it is entirely possible to monetize an asset at a significant loss. The term "monetization" refers only to a process of conversion of an economic asset from one form to another, much in the way the fields of chemistry convert solids to liquids or physics converts energy to matter. As applied to the principles in this Application, monetization refers only to the conversion of unused developed rights inherent to the zoning lot to built floor area on the same zoning lot. The conversion implies neither gain nor loss. In the case at hand, the Financial Analysis prepared by Freeman/Frazier & Associates demonstrates that the conversion of 23,000 sf of unused development rights already owned by CSI on the CSI zoning lot into 23,000 sf of built residential floor area is an economic wash, occurring without generation of either profit or loss to CSI.

partake in the Jewish traditions which are integral to their faith. The multi-function room will be the site of after-service components of Sabbath *Kiddush*, Bar and Bat Mitzvahs, baby namings and other Life Cycle events. As indicated in the October 25, 2007 submission to the Board, CSI will not lease the multi-function room to outside catering entities. CSI's bylaws specify that all ceremonies must be conducted under the auspices of CSI's rabbi and with CSI's Sephardic customs, all but assuring the celebrants are CSI congregants.

In addition to the additional religious and life cycle programming the new multi-function room will allow, there are two other communal/family programs which are currently severely compromised by the limitations in the Levy Auditorium (in addition to the accessibility limitations discussed elsewhere):

1. Family Education: The Congregation-wide program currently brings up to 50 children and 100 adults together. Due to the scheduling difficulties associated with the Levy Auditorium, the classes need to be arbitrarily subdivided into Saturday sessions from 12:30 to 2 PM following *Kiddush* and Sunday mornings. The New Building will enable CSI to schedule the entire Family Education Program on Saturday afternoons following services and *Kiddush* in the multi-function room.
2. Music, Film and Lecture Series: Approximately three to eight evening events are scheduled each month in the Levy Auditorium with attendance ranging from relatively few to 200 persons. The New Building will allow for fluidity: smaller events can take place in the adult fourth floor classrooms and larger events can take place in the multi-function room.

B. CSI Hebrew School

CSI's Hebrew School currently serves approximately 35 to 50 students between grades one and ten under significantly substandard learning conditions. Sunday classes are held in the existing Community House from 9:30AM to Noon in four 3rd floor classrooms and a single 4th floor classroom. Weekday classes are held from 3:30 to 6:00PM in these same classrooms.

Conflicts with the Hebrew School Program. Due to the age disparity among the children and age-specific learning requirements, classes need to be broken into seven separate learning groups. These groups exceed the number of available classrooms in the existing Community House. Older children cannot share rooms dedicated to younger students because the lower grade rooms have smaller tables and chairs which are unsuitable for the older students. Moving furniture from room to room has been tried but is counter-productive and disruptive to classes in session. Combining grade levels within a classroom or relocating to either existing auditorium has proven detrimental to classroom order and destroys the intimate learning environment every school seeks. These same classrooms are occupied by Beit Rabban most weekdays from approximately 8:00AM to 5PM. It must be noted that while men's and ladies' bathrooms are located on

the third floor, no facilities are located on the fourth floor and none are appropriate for the younger children.

Future Hebrew School Programming Needs. The New Building will provide appropriately sized and barrier-free classrooms will be dedicated to specific grade levels. The third floor provides individual classrooms for first through third grade children; fourth through fifth grade children; eighth grade children; and ninth through tenth grade children. Two classrooms for sixth through seventh grade children are also provided on this floor. In contrast to the current rationing of too few classrooms, flexible scheduling will permit the Adult Education Program, Hebrew School and private study sessions to co-exist in the three 4th floor classrooms as need arises and as the respective programs expand and grow. Programmatic and accessibility issues that face current and future students are resolved in the New Building: (1) all classrooms are accessible by elevator and/or stairs; (2) seven large, well-ventilated classrooms will allow for more focused learning and social interaction; and (3) bathroom facilities for boys and girls are located on both the third and fourth floor.

Ongoing Supplemental Tutoring for Children. Approximately 20 boys and girls now meet individually with the Cantor for private lessons in preparation for Bar and Bat Mitzvah. These learning sessions take place in the Cantor's study. The students also participate in ongoing supplemental tutoring and voice training, which is available on Sunday mornings, every afternoon and on weekends (daytime or evenings). Due to program deficiencies with respect to the availability of smaller, private study areas, one-on-one tutoring often occurs in shared settings, which compromises learning due to distractions and noise. The New Building's additional classrooms will provide the necessary facilities for one-on-one study.

C. Adult Education

Adult education is a mainstay for any religious community and CSI's inability to provide an adult educational setting for congregants from ages 19 to 90 is an indisputable hardship. In line with CSI's mission, the Adult Education program also includes a social action component, which is dedicated to facilitating outreach and providing assistance to members and non-members alike. Under the umbrella of the Social Action Justice League, various CSI sub-groups pay visits and deliver food to homebound elderly, mourners and new mothers within the community. The social action programs are also hindered by the existing Community House deficiencies, to the detriment of the entire West Side community it serves.

Adult education currently takes place in the Synagogue's first floor Elias Meeting Room (the "Elias Room," approximately 775 sf) and serves as the only social and cultural activity for many of CSI's most senior members. To reach the Elias Room, one must enter the existing Community House, walk up a flight of stairs into the main Synagogue building and pass through the Small Synagogue, which is often also in use at the same time. This pathway is extremely challenging for some and impossible for others (seniors and non-seniors alike), denying participation in the adult education program

entirely due to the physical constraints of entering and passing through the two buildings. Currently, the following adult education classes occur in the Elias Room:

1. Sundays Courses in Jewish Thought & Law
8:40-9:40AM; 40-50 adults
9:45-11AM; 5-15 adults
2. Monday Courses in Jewish Law & Lore (Talmud)
7:30-9:00PM; 17 adults (once/month)
3. Wednesday Poetry Group
3:00-4:00PM; 15-20 adults
4. Thursdays Meditations
11:00AM-Noon; 10-20 adults
5. Saturdays Bible Class (following Saturday service)
1.25 hrs; 20-50 adults

Conflicts with Adult Education Programming. The Elias Room is also the only room available for meetings by CSI's Board of Trustees; CSI's Sisterhood Board of Trustees and other CSI-affiliated organizations. Cumulatively, difficulties arise because the Elias Room is the only appropriately sized and furnished setting for adult group activities other than worship, which results in overbooking and scheduling conflicts. At other times, it is inappropriate for a respective gathering's size (either too many or too few attendees), particularly with respect to the Adult Education Program and Social Action Justice League for which attendance is very high. On high capacity days (*i.e.*, Saturday and Sunday) when services/programs/classes occur simultaneously, shifting activities from the Elias Room to the existing Community House is not a viable option. The second floor classrooms have desks and chairs suitable for Early Childhood/Toddler events rather than adult programs and the Saturday Youth Group (see below) occupies the entire third floor on Saturdays with children divided by age into the four existing classrooms. The proposed New Building will permit relocation of the Adult Education Program to upper level classrooms while making the Elias Room more available for smaller meetings and conferences.

Future Adult Education Programming Needs. New and expanded adult programs are necessary, all of which project increased member participation based on the current size and demographics of the CSI congregation and community. CSI's Rabbi has indicated that he would like to offer concurrent adult education classes (*e.g.*, Beginners' Judaism, Hebrew Learning and Prayer, Jewish Law and Philosophy, Talmud and Bible). Current attendance, for example, has amounted to as many as 50 students participating in Jewish Thought and Law classes. Past reliance on the Elias Room as the focal point for adult education has basically allowed one class at a time to be scheduled there. Neither the Levy Auditorium nor the existing Community House Auditorium are appropriate spaces for smaller classes. With increased adult classroom availability and scheduling

flexibility, more adults will be able to participate, for example, in an expanded Jewish Thought and Law program, as well as avail themselves of private study sessions. While it is difficult to estimate the projected increase in member participation, the Rabbi has further indicated that the members will be polled to see which additional nights are preferable for specific study programs and classes will be scheduled accordingly in appropriately sized rooms within the New Building. The Social Action Justice League (and its sub-groups) will be able to schedule regular meetings in the New Building rather than gathering in private homes as is now required.

D. The Toddler Program

CSI's toddler program takes place in the existing Community House lower level auditorium, an open space serviced by stairs down from the door. The stairs are extremely difficult to negotiate for toddlers, most of whom have to be carried up and down by caregivers with other children in tow, limiting drop-off and pick-up to a narrow mezzanine-like foyer packed with strollers at the top of the stairs. There is no natural light or air in this sub-grade space. Storage space for the program is wherever there is unused space in the Synagogue's lobby. There are no adjacent bathrooms. The children must utilize an adult bathroom at the Synagogue's cellar level.

CSI's Toddler Program is open to all in the community and enjoys a diverse and multicultural membership. It currently operates three mornings each week (Monday, Wednesday and Saturday from 9:00AM to Noon) with 20 children, ages 2-4, in attendance. The program is over-subscribed.

Conflicts with the Toddler Program. The entranceway used for the Toddler Program is the main entrance used by all building visitors. Because it is crammed with baby strollers and at designated times those dropping off and picking up children, there is a considerable conflict in the immediate egress and entrance. There is also an inherent security conflict as the attention of staff and caregivers on the children negotiating the stairs means less attention is being given to other children in strollers immediately inside or outside the doors. All schools and daycare programs must provide a safe environment for entering and leaving their buildings, and at the moment the situation for the Toddlers is far from ideal. Finally, the Toddlers must use the Synagogue's lavatories, which bring them into contact with other visitors and users of the facilities.

Future Toddler Programming Needs. The proposed New Building's design would enable CSI to offer daycare to a greater number of families within the surrounding community, for more hours per day and more days per week. Approximately 60 toddlers (a 66% increase) would be able to attend on Mondays through Thursdays from 8AM to 6PM and on Fridays from 8AM to 4PM. Both the programmatic and accessibility issues that now face these very young children are resolved in the New Building: (1) the second floor toddler classes would be accessible by elevator (or stairs) with stroller storage located at designated storage area; 2) six large individual classrooms would allow the children to be grouped for age-appropriate play and more focused learning; (3) the smaller groupings would allow for a more conducive rest/nap period associated with full